

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

HOWARD RAY TRAPP, JR.,)
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)
 Petitioner,)
)
)
 vs.) 2:12-cv-76-JMS-WGH
)
)
JOHN C. OLIVER, Warden,)
)
)
 Respondent.)

Entry Discussing Petition for Writ of Habeas Corpus

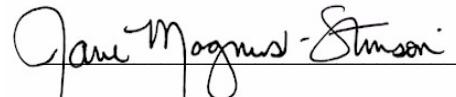
“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.” *McFarland v. Scott*, 512 U.S. 849, 856 (1994). This is an appropriate case for such a disposition. This conclusion is based on the following facts and circumstances:

1. Federal habeas corpus review is available only where the deprivation of rights is such that it necessarily impacts the fact or length of detention. *Leamer v. Fauver*, 288 F.3d 532, 540 (3d Cir. 2002).

2. Petitioner Howard Ray Trapp, Jr., is confined at a federal prison within this District and seeks habeas corpus relief not challenging either the fact or duration of his confinement, but what he believes is the constitutionally inadequate medical care he has received since February 29, 2012. His medical care does not render his custody unlawful, and this is shown from the face of his petition, which must now be dismissed. *Graham v. Broglin*, 922 F.2d 379, 381 (7th Cir. 1991); *Falcon v. U.S. Bureau of Prisons*, 52 F.3d 137, 138-39 (7th Cir. 1995). This disposition does not, of course, prevent Trapp from presenting any challenge to the conditions of his confinement or his treatment in any available and appropriate administrative or judicial forum. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 03/29/2012



Hon. Jane Magnus-Stinson
United States District Court
Southern District of Indiana